

STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-02410-RC**

TOKAR v. U.S. DEPARTMENT OF JUSTICE
Assigned to: Judge Rudolph Contreras
Cause: 05:552 Freedom of Information Act

Date Filed: 12/08/2016
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

DYLAN TOKAR

represented by **Jennifer Anne Nelson**
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
1156 15th St, NW
Suite 1020
Washington, DC 20005
(202) 795-9312
Fax: (202) 795-9310
Email: jnelson@rcfp.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bruce D. Brown
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
1156 15th St, NW
Suite 1020
Washington, DC 20005
(202) 795-9301
Fax: (202) 795-9310
Email: bbrown@rcfp.org
ATTORNEY TO BE NOTICED

John Joshua Wheeler
THOMAS JEFFERSON CENTER FOR
THE PROTECTION OF FREE
EXPRESSIO
400 Worrell Drive
Charlottesville, VA 22911
(434) 295-4784
Email: jjw@tjcenter.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Jeremy S. Simon**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2528
Fax: (202) 252-2599
Email: jeremy.simon@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
------------	---	-------------

12/09/2016	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-4769558) filed by DYLAN TOKAR. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Civil Cover Sheet Civil Cover Sheet, # <u>11</u> Summons U.S. Attorney, # <u>12</u> Summons U.S. Attorney General, # <u>13</u> Summons Department of Justice)(Wheeler, John) (Entered: 12/09/2016)
12/09/2016		Case Assigned to Judge Rudolph Contreras. (sb) (Entered: 12/09/2016)
12/09/2016	<u>2</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(sb) (Entered: 12/09/2016)
01/04/2017	<u>3</u>	NOTICE of Appearance by Bruce D. Brown on behalf of DYLAN TOKAR (Brown, Bruce) (Entered: 01/04/2017)
01/24/2017	<u>4</u>	NOTICE of Appearance by Jeremy S. Simon on behalf of U.S. DEPARTMENT OF JUSTICE (Simon, Jeremy) (Entered: 01/24/2017)
01/25/2017	<u>5</u>	Consent MOTION for Extension of Time to <i>Answer or Otherwise Respond to Complaint</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 01/25/2017)
01/25/2017		MINUTE ORDER granting <u>5</u> Consent Motion for Extension of Time: It is hereby ORDERED that Defendant shall file its response to the complaint on or before February 28, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 1/25/2017. (lcrc1) (Entered: 01/25/2017)
02/28/2017	<u>6</u>	ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE.(Simon, Jeremy) (Entered: 02/28/2017)
02/28/2017		MINUTE ORDER: It is hereby ORDERED that the parties shall meet, confer, and submit a proposed briefing schedule on or before March 14, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 2/28/2017. (lcrc1) (Entered: 02/28/2017)
03/14/2017	<u>7</u>	Joint STATUS REPORT <i>and Proposed Schedule</i> by U.S. DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 03/14/2017)
03/14/2017		MINUTE ORDER: Upon consideration of <u>7</u> Joint Status Report and Proposed Schedule, it is hereby ORDERED that the parties meet, confer, and submit a joint status report on or before May 31, 2017. Signed by Judge Rudolph Contreras on 3/14/2017. (lcrc1) (Entered: 03/14/2017)
03/14/2017		Set/Reset Deadlines: Status Report due by 5/31/2017 (tj) (Entered: 03/14/2017)
05/31/2017	<u>8</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 05/31/2017)
05/31/2017		SCHEDULING MINUTE ORDER adopting <u>8</u> Status Report and Proposed Schedule: It is hereby ORDERED that Defendant shall file its motion for summary judgment on or before July 19, 2017; Plaintiff shall file any cross-motion and opposition on or before August 23, 2017; Defendant shall file any opposition and reply on or before September 13, 2017; and Plaintiff shall file any reply on or before October 4, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 5/31/2017. (lcrc1) (Entered: 05/31/2017)
06/01/2017		Set/Reset Deadlines: Defendant's Summary Judgment motions due by 7/19/2017. Response to Motion for Summary Judgment due by 8/23/2017. Reply to Motion for Summary Judgment due by 9/13/2017. Plaintiff's Reply due by 10/4/2017 (hs) (Entered: 06/01/2017)
07/19/2017	<u>9</u>	MOTION for Summary Judgment , <i>Local Rule 7(h) Statement, and Supporting Memorandum</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration of Peter C. Sprung)(Simon, Jeremy) (Entered: 07/19/2017)
08/23/2017	<u>10</u>	MOTION for Summary Judgment by DYLAN TOKAR (Attachments: # <u>1</u> Memorandum in Support of Plaintiff's Motion for Summary Judgment and in Opposition to Defendant's Motion for Summary Judgment, # <u>2</u> Statement of Facts and Response to Defendant's Statement of Facts, # <u>3</u> Declaration of Dylan Tokar, # <u>4</u>

		Exhibit A to the Tokar Declaration, # <u>5</u> Exhibit B to the Tokar Declaration, # <u>6</u> Exhibit C to the Tokar Declaration, # <u>7</u> Exhibit D to the Tokar Declaration, # <u>8</u> Exhibit E to the Tokar Declaration, # <u>9</u> Exhibit F to the Tokar Declaration, # <u>10</u> Exhibit G to the Tokar Declaration, # <u>11</u> Exhibit H to the Tokar Declaration, # <u>12</u> Exhibit I to the Tokar Declaration, # <u>13</u> Exhibit J to the Tokar Declaration, # <u>14</u> Exhibit K to the Tokar Declaration, # <u>15</u> Exhibit L to the Tokar Declaration, # <u>16</u> Exhibit M to the Tokar Declaration, # <u>17</u> Exhibit N to the Tokar Declaration, # <u>18</u> Exhibit O to the Tokar Declaration, # <u>19</u> Text of Proposed Order, # <u>20</u> Certificate of Service)(Brown, Bruce) (Entered: 08/23/2017)
08/23/2017	<u>11</u>	Memorandum in opposition to re <u>2</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement, and Supporting Memorandum</i> filed by DYLAN TOKAR. (See Docket Entry <u>10</u> to view document). (znmw) (Entered: 08/24/2017)
09/11/2017	<u>12</u>	Consent MOTION for Extension of Time to <i>File Reply and Opposition and to Adjust Remaining Deadlines in Briefing Schedule</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 09/11/2017)
09/11/2017		MINUTE ORDER granting <u>12</u> Defendant's Consent Motion for Extension of Time: It is hereby ORDERED that Defendant shall file its reply in support of its motion for summary judgment and its opposition to Plaintiff's cross-motion for summary judgment on or before September 27, 2017. It is further ORDERED that Plaintiff shall file its reply to Defendant's opposition to Plaintiff's cross-motion for summary judgment on or before October 25, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 09/11/2017. (lcrc1) (Entered: 09/11/2017)
09/27/2017	<u>13</u>	Memorandum in opposition to re <u>10</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Response to Plaintiff's Local Rule 7(h) Statement, # <u>2</u> Second Declaration of Peter Sprung, # <u>3</u> Proposed Order)(Simon, Jeremy) (Entered: 09/27/2017)
09/27/2017	<u>14</u>	REPLY to opposition to motion re <u>2</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement, and Supporting Memorandum (duplicate of docket entry number 13)</i> filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Response to Plaintiff's Local Rule 7(h) Statement, # <u>2</u> Second Declaration of Peter Sprung, # <u>3</u> Proposed Order)(Simon, Jeremy) (Entered: 09/27/2017)
10/25/2017	<u>15</u>	REPLY to opposition to motion re <u>10</u> MOTION for Summary Judgment filed by DYLAN TOKAR. (Attachments: # <u>1</u> Declaration of Dylan Tokar (Supplemental), # <u>2</u> Exhibit P to Supplemental Tokar Declaration, # <u>3</u> Exhibit Q to Supplemental Tokar Declaration, # <u>4</u> Exhibit R to Supplemental Tokar Declaration, # <u>5</u> Exhibit S to Supplemental Tokar Declaration, # <u>6</u> Exhibit T to Supplemental Tokar Declaration, # <u>7</u> Certificate of Service)(Brown, Bruce) (Entered: 10/25/2017)
01/17/2018	<u>16</u>	NOTICE of Appearance by Jennifer Anne Nelson on behalf of DYLAN TOKAR (Nelson, Jennifer) (Entered: 01/17/2018)
03/29/2018	<u>17</u>	ORDER granting in part and denying in part <u>2</u> Defendant's Motion for Summary Judgment; granting <u>10</u> Plaintiff's Motion for Summary Judgment. See document for details. Signed by Judge Rudolph Contreras on 03/29/2018. (lcrc1) (Entered: 03/29/2018)
03/29/2018	<u>18</u>	MEMORANDUM OPINION granting in part and denying in part <u>2</u> Defendant's Motion for Summary Judgment; granting <u>10</u> Plaintiff's Motion for Summary Judgment. See document for details. Signed by Judge Rudolph Contreras on 03/29/2018. (lcrc1) (Entered: 03/29/2018)
03/29/2018		MINUTE ORDER: It is hereby ORDERED that, by April 13, 2018, the parties shall meet, confer, and submit a proposed schedule to govern further proceedings. SO ORDERED. Signed by Judge Rudolph Contreras on 03/29/2018. (lcrc1) (Entered: 03/29/2018)
03/30/2018		Set/Reset Deadlines: Proposed Schedule due by 4/13/2018 (tj) (Entered: 03/30/2018)
04/05/2018	<u>19</u>	Consent MOTION for Extension of Time to <i>File Motion for Attorneys' Fees and Costs</i> by DYLAN TOKAR (Attachments: # <u>1</u> Text of Proposed Order)(Brown, Bruce) (Entered: 04/05/2018)

04/05/2018		MINUTE ORDER denying as premature <u>19</u> Plaintiff's Consent Motion for Extension of Time: Because judgment has not yet been entered in this case, there is not yet a deadline for Plaintiff to move for the awarding of costs and attorneys' fees. Therefore, Plaintiff's motion for an extension of time to file his motion for fees is DENIED AS PREMATURE. SO ORDERED. Signed by Judge Rudolph Contreras on 04/05/2018. (lcrc1) (Entered: 04/05/2018)
04/13/2018	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 04/13/2018)
04/13/2018		MINUTE ORDER: Upon consideration of <u>20</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report on or before June 14, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on 04/13/2018. (lcrc1) (Entered: 04/13/2018)
04/13/2018		Set/Reset Deadlines: Status Report due by 6/14/2018 (tj) (Entered: 04/13/2018)
06/14/2018	<u>21</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 06/14/2018)
06/14/2018		MINUTE ORDER: Upon consideration of <u>21</u> the parties' Joint Status Report and Proposed Schedule, it is hereby ORDERED that the parties shall submit a further joint status report on or before July 30, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on 06/14/2018. (lcrc1) (Entered: 06/14/2018)
06/15/2018		Set/Reset Deadlines: Status Report due by 7/30/2018 (tj) (Entered: 06/15/2018)
07/30/2018	<u>22</u>	Joint STATUS REPORT by DYLAN TOKAR. (Nelson, Jennifer) (Entered: 07/30/2018)
07/30/2018		MINUTE ORDER: Upon consideration of <u>22</u> the parties' Joint Status Report and Proposed Schedule, it is hereby ORDERED that the parties shall file a further joint status report on or before October 2, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on 07/30/2018. (lcrc1) (Entered: 07/30/2018)
07/31/2018		Set/Reset Deadlines: Joint Status Report due by 10/2/2018 (hs) (Entered: 07/31/2018)
10/02/2018	<u>23</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 10/02/2018)
10/02/2018		MINUTE ORDER: Upon consideration of <u>23</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file a joint status report advising the Court further as to the status of this matter on or before November 16, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on 10/2/18. (lcrc1) (Entered: 10/02/2018)
10/04/2018	<u>24</u>	NOTICE of Change of Address by Jennifer Anne Nelson (Nelson, Jennifer) (Entered: 10/04/2018)
10/30/2018		Set/Reset Deadlines: Status Report due by 11/16/2018 (tj) (Entered: 10/30/2018)
11/16/2018	<u>25</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 11/16/2018)
11/16/2018		MINUTE ORDER: Upon consideration of <u>25</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before January 8, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on November 16, 2018. (lcrc3) (Entered: 11/16/2018)
11/21/2018		Set/Reset Deadlines: Status Report due by 1/8/2019 (tj) (Entered: 11/21/2018)
01/07/2019	<u>26</u>	Unopposed MOTION to Stay <i>in Light of Lapse in Appropriations</i> by U.S. DEPARTMENT OF JUSTICE (Simon, Jeremy) (Entered: 01/07/2019)
01/22/2019		MINUTE ORDER granting <u>26</u> Motion to Stay: It is hereby ORDERED that the joint status report previously due on January 8, 2019 shall be due within 7 days of Congress appropriating funds for the Department of Justice. Signed by Judge Rudolph Contreras on 1/22/19. (lcrc1) (Entered: 01/22/2019)
02/01/2019	<u>27</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 02/01/2019)

02/01/2019		MINUTE ORDER: Upon consideration of <u>27</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before February 11, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on 2/1/19. (lcrc1) (Entered: 02/01/2019)
02/06/2019		Set/Reset Deadlines: Status Report due by 2/11/2019 (tj) (Entered: 02/06/2019)
02/11/2019	<u>28</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 02/11/2019)
02/11/2019		MINUTE ORDER adopting the proposed schedule in <u>28</u> the parties' Joint Status Report: It is hereby ORDERED that Defendant shall file its Renewed Motion for Summary Judgment on or before April 4, 2019. It is FURTHER ORDERED that Plaintiff shall file its Opposition and Cross-Motion for Summary Judgment on or before May 17, 2019. It is FURTHER ORDERED that Defendant shall file its Reply and Opposition to Plaintiff's Cross-Motion on or before June 10, 2019. It is FURTHER ORDERED that Plaintiff shall file its Reply on or before June 28, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on 2/11/19. (lcrc1) (Entered: 02/11/2019)
03/06/2019		Set/Reset Deadlines: Cross Motions due by 5/17/2019. Response to Cross Motions due by 6/10/2019. Reply to Cross Motions due by 6/28/2019. Summary Judgment motions due by 4/4/2019. Response to Motion for Summary Judgment due by 5/17/2019. Reply to Motion for Summary Judgment due by 6/28/2019. (tj) (Entered: 03/06/2019)
04/03/2019	<u>29</u>	Consent MOTION for Extension of Time to <i>File Renewed Motion for Summary Judgment and for Adjustment of Remaining Deadlines in Briefing Schedule</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 04/03/2019)
04/03/2019		MINUTE ORDER granting <u>29</u> Motion for Extension of Time: It is hereby ORDERED that Defendant shall file its Renewed Motion for Summary Judgment on or before April 11, 2019. It is FURTHER ORDERED that Plaintiff shall file his Opposition and Cross-Motion for Summary Judgment on or before May 24, 2019. It is FURTHER ORDERED that Defendant shall file its Reply and Opposition to Plaintiff's Cross-Motion on or before June 17, 2019. It is FURTHER ORDERED that Plaintiff shall file his Reply on or before July 5, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on 4/3/19. (lcrc1) (Entered: 04/03/2019)
04/05/2019		Set/Reset Deadlines: Cross Motions due by 5/24/2019. Response to Cross Motions due by 6/17/2019. Reply to Cross Motions due by 7/5/2019. Summary Judgment motions due by 4/11/2019. Response to Motion for Summary Judgment due by 5/24/2019. Reply to Motion for Summary Judgment due by 6/17/2019. (tj) (Entered: 04/05/2019)
04/11/2019	<u>30</u>	MOTION for Summary Judgment (<i>Renewed Motion for Summary Judgment, Local Rule 7(h) Statement and Supporting Memorandum</i>) by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Third Declaration of Peter Sprung, # <u>3</u> Declaration of Amanda Marchand Jones)(Simon, Jeremy) (Entered: 04/11/2019)